

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiffs,

vs.

ALLEN E. PEITHMAN JR., SHARON A.
ELDER, JACIE L. SANNE,
CORNERSTONE PLAZA, AND Inc.; and
AEP PROPERTIES, L.L.C.;

Defendants.

4:15CR3091

ORDER FOR PRODUCTION

Defendant Elder has filed a motion to sever. ([Filing No. 89](#)). In her motion, Elder argues “[a] fair trial cannot be had without severance.” ([Id. at CM/ECF p. 4](#)). Elder asserts her co-defendants “may have given statements which either directly or indirectly incriminate [her],” ([Id. at CM/ECF p. 3](#)), and admission of those potential statements at a joint trial will prejudice Elder and create a problem under [Bruton v. United States, 391 U.S. 123 \(1968\)](#). ([Filing No. 89 at CM/ECF pp. 3-4](#)). Elder further argues many of the government’s exhibits will be admissible against her co-defendants but not her and the jury will be unable to make an individualized determination as to each defendant due to the sheer volume of exhibits. ([Id. at CM/ECF p. 4](#)). Accordingly, for the purposes of deciding Defendant Elder’s motion to sever,

IT IS ORDERED that on or before August 18 ,2016, counsel for the Government shall submit to the court, *for in camera review*:

- 1) All evidence of statements which the government intends to use at trial that were made by a codefendant being tried and may implicate Defendant Elder;

2) A list of all exhibits and evidence which the government intends to offer at the trial of Elder's codefendants that will be inadmissible against Elder, with a brief description of the nature of the evidence.

Dated this 8th day of August, 2016

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge